

DRAFT (3/14/13)  
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To: MidCoast TMDL LSAC, TWG Members & Alternates

From: Gene Foster

Date: March 14, 2013

Greetings Mid-Coast LSAC and TWG Members and Alternates –

As you know, DEQ recently notified EPA and NOAA (DEQ letter dated 2/12/2013) that DEQ will not release a draft Mid-Coast Implementation Ready Total Maximum Daily Load (IR-TMDL) by June 30, 2013. This date is significant because it represents the latest date that we estimate a draft IR-TMDL could be submitted and still provide the federal agencies adequate review time to meet key milestone dates in their CZARA Settlement Agreement (NWEA v. Locke, et al.).

DEQ's decision is based on a realistic assessment of the technical complexity of the IR-TMDL process and the demands on both the agency staff and the local stakeholder advisory committee (LSAC) and work group members. Also, we recognize that the IR-TMDL development and timeline was not synced with the CZARA objectives and settlement agreement timeline and led to confusion about our IR-TMDL approach. DEQ will send follow-up letters to EPA and NOAA describing the process and developing revised timelines for completing the MidCoast IR-TMDLs.

DEQ is committed to developing the Mid Coast IR-TMDL in a manner that makes it useful for addressing impairments and improving water quality in the MidCoast. As with past TMDLs, this approach begins by discussing with local advisory committee members the following: water quality standards, 303d listings and location; pollutant, loading capacity, and excess load; source assessment and linkage analysis; allocations and surrogates; margin of safety; implementation measures and the water quality management plan. In the Mid Coast IR-TMDL process we have already had discussions about a number of these topics and will build on that prior work. As we move forward, we will be reviewing the local data and information with the local stakeholder advisory committee and work group members and discussing such topics as:

- The data used for the impaired listings (303(d) list)
- Use local data to understand the cause(s) of the individual impairments
- Use of modeling and other analysis tools to determine loading capacity and characterizing the watershed
- Identify pollutant sources (human and natural) and the linkages to waterbodies
- Determination of pollution reduction targets and assignment of allocations for

contributing sources and accounting for natural sources

- Identify with the local stakeholders and Work Group members what actions are needed and who should be doing what and when (Implementation Ready).
- Work with stakeholders throughout the process to use local data and information to develop local solutions for IR-TMDL development and implementation to improve water quality

We do not have a pre-determined outcome for the MidCoast IR-TMDLs. DEQ will use the data, analysis, and stakeholder input to determine the final MidCoast IR-TMDLs. Of course, DEQ maintains ownership and final discretion on TMDLs issued by DEQ.

We are developing Biocriteria, Sedimentation, or Turbidity IR-TMDLs for:

Biocriteria (Stressor Sediment)

Upper Fivemile / Bell Creek (Siltcoos)

Sweet Creek Subwatershed (Siuslaw)

Indian Creek Watershed (Siuslaw)

Upper Siuslaw / Wolf Creek Watersheds (Siuslaw)

Montgomery Creek (Lower Yaquina)

Oliver Creek (Beaver Creek / Alsea)

South Fork Siletz River Subwatershed

Flynn Creek (Drift Creek/Alsea)

Sedimentation

North Fork Siuslaw Watershed (Siuslaw)

Big Elk Creek Watershed (Yaquina)

Taylor Creek (Indian Creek / Siuslaw)

Turbidity-Drinking Water

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Middle and Upper Siletz River Watersheds

Rock Creek Watershed

Therefore, for the sediment related IR-TMDLs, we are now focusing our efforts on the source assessment and linkage analysis and will be working to get advice from the Sediment Technical Working Group (TWG) and LSAC members. This process will be presented at the March 20<sup>th</sup> joint LSAC-Sediment TWG meeting.

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